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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,129	03/29/2001	Laurent Duquesnois	FR000033	5635
24737	7590	07/14/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			BENGZON, GREG C	
			ART UNIT	PAPER NUMBER
			2144	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/821,129	DUQUESNOIS, LAURENT
	<b>Examiner</b> Greg Bengzon	<b>Art Unit</b> 2144

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 May 2006.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8, 10-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

This application has been examined. Claims 1-8, 10-19 are pending. Claim 9 has been cancelled.

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on April 4, 2000.

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

The effective date for the subject matter defined in the pending claims in this application is April 4, 2000.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2, 5, 10,11, 14 , 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Signes (US Patent 6911982).

Signes disclosed (re. Claims 1,2, 5, 10,11, 14) a multi-media scene description coder (Signes – figure 1, Column 4 Lines 45-50) for producing a data stream which contains a plurality of access points (Signes – Column 8 Lines 40-55), each of the plural access points being formed by data coded at a respective given instant and relating to a description of a respective scene (Signes – Column 5 Lines 5-30);

a receiver terminal arranged to be connectable at any moment to said transmitter terminal for receiving said data stream (Signes – Column 4 Lines 15-20); and

a storage memory (Signes – figure 1, Column 4 Lines 45-50, Figure 5, Column 7 Lines 40-45 );

wherein said transmitter terminal is configured for storing, in said storage memory, (Signes – figure 1, Column 4 Lines 45-50) said data coded at an instant of the given instants and for using the stored data, at multiple instants later than said instant of the given instants, to form multiple respective ones of said plural access points, (Signes – Column 8 Lines 40-55) said plural access points defining the points in said stream via any one or more of which a receiver of said stream receives scene description to which updates arriving in said stream are applicable (Signes – Column 5 Lines 5-30).

Signes disclosed (re. Claim 19) an object source having a catalog (Signes – Column 7 Lines 30-35), a camera and a recorder (Signes – Column 3 Lines 15-20), said transmitter further including (Signes – figure 1, Column 4 Lines 45-50)

an object encoder (Signes – figure 1, Column 4 Lines 45-50);

first and second formatting devices (Signes – figure 5 Column 7 Lines 40-50);  
and a

multiplexer (Signes – Column 5 Lines 15-20);

wherein the first formatting device is connected to receive output of the object  
encoder and to output to said multiplexer, and

wherein said description coder includes said memory, a coding block for inputting  
into said memory, and a switch block for selectively routing output, from the coding  
block and the memory, to the second formatting device for output to the multiplexer.

(Signes – figure 5 Column 7 Lines 40-50)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set  
forth in section 102 of this title, if the differences between the subject matter sought to be patented and  
the prior art are such that the subject matter as a whole would have been obvious at the time the  
invention was made to a person having ordinary skill in the art to which said subject matter pertains.  
Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4, 6-8, 12-13, 15-18, are rejected under 35 U.S.C. 103(a) as being  
unpatentable over Signes (US Patent 6911982) further in view of the ISO/IEC MPEG-  
4 Standards Document (designated as ISO/IEC 14496) authored by the Motion Picture  
Experts Group, hereinafter referred to as MPEG-4 Standards.

While Signes disclosed using scene descriptions and scene replacement commands in order to modify video scenes, Signes did not disclose (re. Claims 3-4, 6-8, 12-13, 15-18) concepts and practices regarding synchronizing the inputs to the bit stream in accordance to a synchronization clock where the complete scene description is assigned a reference point time t=0, and the other objects in the scene are introduced successively at other instances relative to t=0. Signes did not disclose the description of a complete scene changes in timing with a replacement clock. Signes did not disclose modifications being introduced to the scene description in timing with a modification clock which presents a non-zero phase shift relative to the replacement clock.

The MPEG-4 Standards describe how to associate a set of streams with one another in order to describe a multimedia presentation composed of a large set of such streams. The presentation of these streams in a coordinated manner is basically governed by the scene description. Therefore, a clearly defined notion of time must be established between the scene description and all the media streams. Then, a mechanism is needed to convey such timing information. The MPEG-4 Standards describe access points as discrete portions of data containing scene descriptions related to a specific point in time. Access units are the data elements to which time stamps can be attached and are found in various instances in the data stream. (Section MPEG-4-1, Clause 10 Synchronization Layer). The Examiner notes that the use of Object Carousels and BIFS Carousel algorithms in broadcasting MPEG data streams is well known in the art.

Thus, the MPEG-4 standards disclosed synchronizing the inputs to the bit stream in accordance to a synchronization clock where the complete scene description is assigned a reference point time t=0, and the other objects in the scene are introduced successively at other instances relative to t=0. MPEG-4 disclosed the description of a complete scene changes in timing with a replacement clock. MPEG-4 disclosed modifications being introduced to the scene description in timing with a modification clock which presents a non-zero phase shift relative to the replacement clock.

Signes and the MPEG-4 Standards are analogous art because they present concepts and practices regarding data streams containing scene descriptions for multimedia information . At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement the concepts and practices of applying scene updates relative to a replacement clock as described by the MPEG-4 Standards into the teachings of Signes . The suggested motivation for doing so would have been to facilitate identification of the start of the scene reproduction process within a large data stream, and synchronize a data stream for a scene with another data stream for a different scene or another data stream of different type of media, or another data stream with a different bit stream rate, for editing or presentation purposes.

### **Response to Arguments**

Applicant's arguments filed 05/12/2006 have been fully considered but they are not persuasive.

The Applicant presents the following argument(s) [*in italics*]:

*A new scene presumably is “formed by” new data. Re-using the same data would not afford a “new” scene.*

The Examiner respectfully disagrees with the Applicant.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. 'new scene') are not recited in the rejected claim(s). It is unclear to the Examiner how this argument applies to Claim 1 as presented by the Applicant.

The Applicant Specifications Page 2 Lines 24-25 indicate 'stored data intended to be used at one or several later instants', while Lines 30-31 indicate that 'coded data are then re-used to form the following access points in the data stream' , and with said access points followed by scene modifications (Page 5 Lines 5-10). Hence the Applicant indicated that stored data and re-used data may be used to create a new scene, thus there is no distinction between the claimed invention and Signes, who disclosed loading an initial scene from a CD-Rom storage, as restituted by the scene decoder, said initial scene followed by updates. (Signes-Column 7 Lines 40-45)

The Applicant presents the following argument(s) [*in italics*]:

*Signes only disclosed a single access point rather than respectively forming the plural access points.*

The Examiner respectfully disagrees with the Applicant. Signes disclosed (Column 8 Lines 50-55) creating access points which are random to the flow, thus indicating a plurality of access points.

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part

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of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

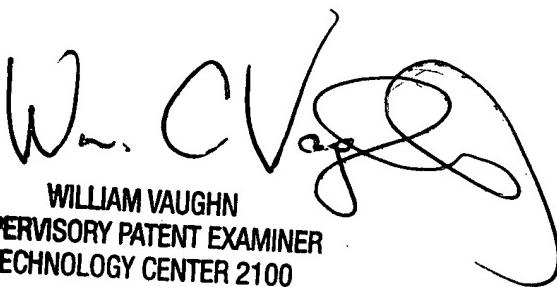
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gcb

  
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